

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARLON DONNELL HOWARD,

Defendant.

CR 17-144-BLG-DLC

ORDER

Before the Court is United States Magistrate Judge Timothy J. Cavan's Findings & Recommendations Regarding Revocation of Supervised Release. (Doc. 75.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Cavan found, based on Howard's admissions at the hearing, that he violated four conditions of supervised release: consumption of alcohol (Special

Condition 3); failure to participate in and successfully complete a program of substance abuse treatment (Special Condition 2); unlawful use of controlled substances (Mandatory Condition 3); and commission of a federal, state, or local crime (Mandatory Condition 1). (Docs. 75 at 7.)

Judge Cavan recommends that this Court revoke Howard's supervised release and sentence him to a custodial sentence of eight months, followed by 24 months of supervised release. (*Id.*) The Court finds no clear error in Judge Cavan's Findings and Recommendations and adopts them in full.

Accordingly, IT IS ORDERED that Judge Cavan's Findings and Recommendations (Doc. 75) is ADOPTED in full.

Howard shall be sentenced in conformity with Judge Cavan's recommendation in the judgment filed concurrently with this Order.

DATED this 1st day of April, 2024.



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Dana L. Christensen, District Judge  
United States District Court